

REMARKS

Claims 1-29 are pending in this application. Attached hereto is a complete listing of all the pending claims. By this Response, claims 1, 5, 12, 15 and 22 have been amended, and are presented with markings to indicate their current amendments.

Applicants acknowledge with appreciation the courtesies extended by the Examiner to Applicants' representative in the telephonic interview conducted June 12, 2003. In the interview, the basis for the rejection of the instant application under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) were discussed, and it was agreed that the amendments to independent claims 1, 12 and 22 distinguished them from the cited references.

Rejection Under 35 U.S.C. § 102

In paragraphs 1 and 2 of the Office Action, claims 1-3, 5, 8-10, 12-13, 15 and 18-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,685,387 ("Rioux '387"). As discussed below, Applicants respectfully traverse this rejection.

A. The Law of Anticipation and Enabling Prior Art References

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Id.*

However, Applicants submit that amended independent claims 1 and 12 have elements that cannot be found, either expressly or inherently, in Rioux '387. For example, amended independent claims 1 and 12 both recite, in part, a "support member including an internal gear cavity having at least two gears rotating about gear axes, wherein the gear axes are fixed relative to the support member."

Rioux '38 has no teaching or suggestion of this claim element. Referring to FIG. 3 of Rioux '387, a fixed ratio reduction drive 18 has a housing that is accommodated in a large

opening 44 in the left hand wall 40 of the frame (col. 4, ll. 58-62). The housing for the fixed ratio reduction drive 18 is also illustrated in FIG. 2B, as well as FIG. 6 and 7. As illustrated and described in Rioux '387, this housing is distinct from and separate of the left hand wall 40. The housing is free to move relative to the left hand wall 40 of the frame. Thus, the gears located within the housing are also free to move relative to the left hand wall 40 of the frame.

Therefore, Applicants respectfully submit that Rioux '387 does not anticipate amended independent claims 1 and 12 and Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

In addition, because claims 2-3, 5, 8-10, 13, 15 and 18-20 depend from either independent claim 1 or 12, it is respectfully submitted that the rejection of these claims has been traversed by virtue of their dependency on either independent claim 1 or 12.

Rejection Under 35 U.S.C. § 103

In paragraphs 3 and 4 of the Office Action, claims 4, 11, 14 and 21 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Rioux '387 in view of U.S. Patent 4,008,777 ("Juto"). Applicants respectfully traverse this rejection.

A. The Law of Obviousness

In order to establish a prima facie case of obviousness, three basic criteria must be met:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined), must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicants' disclosure." M.P.E.P. § 2142.

Dependent claims 4, 11, 14 and 21 depend from either independent claim 1 or 12. Because these claims depend from either independent claim 1 or 12, it is respectfully submitted that the rejection of these claims have been traversed by virtue of their dependency from either independent claim 1 or 12. M.P.E.P. § 2143.03.

In paragraph 6 of the Office Action, claims 1-3, 6-10, 12, 13, 16-20, 22, 24-27 and 29 stand rejected as unpatentable under 35 U.S.C. § 103(a) by U.S. Patent 5,607,026 ("Rioux '026"), in view of Rioux '387. Applicants respectfully traverse this rejection as follows.

As discussed above, Applicants' amended independent claims 1 and 12 recite, in part, a "support member including an internal gear cavity having at least two gears rotating about gear axes, wherein the gear axes are fixed relative to the support member." Similarly, Applicants' amended independent claim 22 recites, in part, "a sprocket gear and a pulley gear rotating about gear axes within the support member, wherein the gear axes are fixed relative to the support member."

This claim element is neither taught nor suggested in either of the Rioux references. Referring to FIG. 3 of Rioux '026, a driving pulley 20 is mounted to a frame member 42 by a bearing 48. The driving pulley 20 is connected to a jack shaft 31 that is connected to the engine output drive by a transfer shaft (not shown) (col. 4, ll. 54-65).

In the Office Action, the Examiner states that "it would obvious to one of ordinary skill in the art to mount the gearcase of Rioux '026 within the support member, as taught by Rioux '387."

As discussed above, the gears within the housing of Rioux '387 are free to move relative to the large opening 44 in the left hand wall 40 of the frame. Thus, the gears within the gearcase of Rioux '026 would be also free to move relative to the large opening 44 in the left hand wall 40 of the frame of Rioux '387. Thus, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Because claims 2-3, 6-10, 13, 16-20, 24-27 and 29 depend from either independent claims 1, 12 or 22, it is respectfully submitted that the rejection of these claims has been traversed by virtue of their dependency from independent claims 1, 12 or 22. M.P.E.P. § 2143.03.

In paragraph 6 of the Office Action, claims 23 and 28 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Rioux '027 and Rioux '387 as applied to claim 22 and further in view of Juto. Applicants respectfully traverse this rejection as follows.

Dependent claims 23 and 28 depend from independent claim 22 and it is respectfully submitted that the rejection of these claims has been traversed by virtue of their dependency from independent claim 22. M.P.E.P. § 2143.03.

Conclusion


Applicants believe that this Response has addressed all items in the Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 1-29 at an early date is solicited.

The Commissioner is authorized to charge any additional fees required, or credit any overpayment, to our Deposit Account No. 50-2298, in the name of Luce, Forward, Hamilton & Scripps LLP.

Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

6.26.03
Date


Peter R. Martinez
Attorney for Applicant(s)
Reg. No. 42,845

c/o LUCE, FORWARD, HAMILTON
& SCRIPPS LLP
11988 El Camino Real, Ste. 200
San Diego, California 92130
Telephone No.: (858) 720-6300